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SENATE BILL 119

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Carroll H. Leavell

AN ACT

RELATING TO TAXATION; INCREASING THE DISTRIBUTION OF LIQUOR
EXCISE TAX REVENUES TO THE LOCAL DWI GRANT FUND; PROVIDING FOR
DISTRIBUTIONS TO AN ADDITIONAL COUNTY; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-1-6.40 NMSA 1978 (being Laws 1997,
Chapter 182, Section 1, as amended) is amended to read:

"7-1-6.40. DISTRIBUTION--LOCAL DWI GRANT FUND.--A
distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be
made to the local DWI grant fund in an amount equal to [~~thirty-
four and fifty-seven hundredths percent~~] the following
percentages of the net receipts attributable to the liquor
excise tax:

A. for the period from July 1, 2004 through June
30, 2005, thirty-eight and twelve-hundredths percent; and

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1 B. after June 30, 2005, thirty-six and fifty-six
2 hundredths percent. "

3 Section 2. Section 11-6A-3 NMSA 1978 (being Laws 1993,
4 Chapter 65, Section 3, as amended) is amended to read:

5 "11-6A-3. LOCAL DWI GRANT PROGRAM - FUND. --

6 A. The division shall establish a local DWI grant
7 program to make grants to municipalities or counties for:

8 (1) new, innovative or model programs,
9 services or activities to prevent or reduce the incidence of
10 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse;
11 and

12 (2) programs, services or activities to
13 prevent or reduce the incidence of domestic abuse related to
14 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse.

15 B. Grants shall be awarded by the council pursuant
16 to the advice and recommendations of the division.

17 C. The "local DWI grant fund" is created in the
18 state treasury and shall be administered by the division. Two
19 million five hundred thousand dollars (\$2,500,000) of liquor
20 excise tax revenues distributed to the fund and all other money
21 in the fund, other than money appropriated for distribution
22 pursuant to Subsections D and [E] F of this section and money
23 appropriated for DWI program distributions, are appropriated to
24 the division to make grants to municipalities and counties upon
25 council approval in accordance with the program established

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1 under the Local DWI Grant Program Act and to evaluate DWI
2 grantees and the local DWI grant program. Money in the fund
3 may be used for drug courts. An amount equal to the liquor
4 excise tax revenues distributed annually to the fund less [~~five~~
5 ~~million six hundred thousand (\$5,600,000)] six million two
6 hundred thousand dollars (\$6,200,000) in fiscal year 2005 and
7 five million six hundred thousand dollars (\$5,600,000) in each
8 fiscal year thereafter is appropriated to the division to make
9 DWI program distributions to counties upon council approval of
10 programs in accordance with the provisions of the Local DWI
11 Grant Program Act. No more than six hundred thousand dollars
12 (\$600,000) of liquor excise tax revenues distributed to the
13 fund in any fiscal year shall be expended for administration of
14 the grant program. Balances in the fund at the end of any
15 fiscal year shall not revert to the general fund.~~

16 D. Two million eight hundred thousand dollars
17 (\$2,800,000) of the liquor excise tax revenues distributed to
18 the local DWI grant fund is appropriated to the division for
19 distribution to the following counties in the following amounts
20 for funding of alcohol detoxification and treatment facilities:

21 (1) one million seven hundred thousand dollars
22 (\$1,700,000) to class A counties with a population of over
23 three hundred thousand persons according to the 1990 federal
24 decennial census;

25 (2) three hundred thousand dollars (\$300,000)

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1 each to counties reclassified in 2002 as class A counties with
2 a population of more than ninety thousand but less than one
3 hundred thousand persons according to the 1990 federal
4 decennial census;

5 (3) two hundred thousand dollars (\$200,000) to
6 class B counties with a population of more than thirty thousand
7 but less than forty thousand persons according to the 1990
8 federal decennial census;

9 (4) one hundred fifty thousand dollars
10 (\$150,000) to class B counties with a population of more than
11 sixty-two thousand but less than sixty-five thousand persons
12 according to the 1990 federal decennial census; and

13 (5) one hundred fifty thousand dollars
14 (\$150,000) to class B counties with a population of more than
15 thirteen thousand but less than fifteen thousand persons
16 according to the 1990 federal decennial census.

17 E. Liquor excise tax revenues distributed to the
18 local DWI grant fund are appropriated to the division for
19 distribution to the following counties in the following amounts
20 for the following purposes:

21 (1) in fiscal year 2005, one million four
22 hundred thousand dollars (\$1,400,000) for distribution to class
23 B counties with a population of more than fifty-five thousand
24 but less than sixty thousand persons according to the most
25 recent federal decennial census to plan, design, renovate,

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1 construct, equip and furnish an alcohol treatment facility
2 located in a municipality within the county with a population
3 of more than one thousand five hundred but less than two
4 thousand five hundred persons according to the most recent
5 federal decennial census; and

6 (2) in fiscal year 2006 and in each fiscal
7 year thereafter, eight hundred thousand dollars (\$800,000) for
8 distribution to class B counties with a population of more than
9 fifty-five thousand but less than sixty thousand persons
10 according to the most recent federal decennial census for
11 operation of an alcohol treatment facility located in a
12 municipality within the county with a population of more than
13 one thousand five hundred but less than two thousand five
14 hundred persons according to the most recent federal decennial
15 census.

16 ~~[E-]~~ F. Three hundred thousand dollars (\$300,000)
17 of the liquor excise tax revenues distributed to the local DWI
18 grant fund is appropriated to the division for the interlock
19 device fund to cover the costs of installing and removing
20 ignition interlock devices for indigent people who are
21 required, pursuant to convictions under Section 66-8-102 NMSA
22 1978, to install those devices in their vehicles.

23 ~~[F-]~~ G. In awarding DWI grants to local
24 communities, the council:

25 (1) may fund new or existing innovative or

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1 model programs, services or activities designed to prevent or
2 reduce the incidence of DWI, alcoholism or alcohol abuse;

3 (2) may fund existing community-based
4 programs, services or facilities for prevention, screening and
5 treatment of alcoholism and alcohol abuse;

6 (3) may fund new or existing innovative or
7 model programs, services or activities of any kind designed to
8 prevent or reduce the incidence of domestic abuse related to
9 DWI, alcoholism or alcohol abuse;

10 (4) may fund existing community-based
11 programs, services or facilities for the prevention and
12 treatment of domestic abuse related to DWI, alcoholism or
13 alcohol abuse;

14 (5) shall give consideration to a broad range
15 of approaches to prevention, education, screening, treatment or
16 alternative sentencing, including programs that combine
17 incarceration, treatment and aftercare, to address the problem
18 of DWI, alcoholism or alcohol abuse; and

19 (6) shall make grants only to counties or
20 municipalities in counties that have established a DWI planning
21 council and adopted a county DWI plan or are parties to a
22 multicounty DWI plan that has been approved by the council and
23 approved pursuant to Chapter 43, Article 3 NMSA 1978 and only
24 for programs, services or activities consistent with that plan.
25 A DWI plan shall also comply with local DWI grant program rules

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1 and guidelines.

2 [G-] H. The council shall use the criteria in
3 Subsection [F] G of this section to approve DWI programs,
4 services or activities for funding through the county DWI
5 program distribution. Sixty-five percent of the DWI grants
6 awarded to local communities shall be used for alcohol-related
7 treatment and detoxification programs. "

8 Section 3. Section 11-6A-6 NMSA 1978 (being Laws 1997,
9 Chapter 182, Section 2, as amended) is amended to read:

10 "11-6A-6. DISTRIBUTION OF CERTAIN LOCAL DWI GRANT PROGRAM
11 FUNDS-- APPROVAL OF PROGRAMS. --

12 A. An amount equal to the liquor excise tax
13 revenues distributed to the local DWI grant fund for the fiscal
14 year less [~~five million six hundred thousand dollars~~
15 ~~(\$5,600,000)] six million two hundred thousand dollars
16 (\$6,200,000) in fiscal year 2005 and five million six hundred
17 thousand dollars (\$5,600,000) in each fiscal year thereafter
18 shall be available for distribution in accordance with the
19 formula in Subsection B of this section to each county for
20 council-approved DWI programs, services or activities; provided
21 that each county shall receive a minimum distribution of at
22 least one-half percent of the money available for distribution.~~

23 B. Each county shall be eligible for a DWI program
24 distribution in an amount derived by multiplying the total
25 amount of money available for distribution by a percentage that

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1 is the average of the following two percentages:

2 (1) a percentage equal to a fraction, the
3 numerator of which is the retail trade gross receipts in the
4 county and the denominator of which is the total retail trade
5 gross receipts in the state; and

6 (2) a percentage equal to a fraction, the
7 numerator of which is the number of alcohol-related injury
8 crashes in the county and the denominator of which is the total
9 alcohol-related injury crashes in the state.

10 C. A county shall be eligible to receive the
11 distribution determined pursuant to Subsection B of this
12 section if the board of county commissioners has submitted to
13 the council a request to use the distribution for the operation
14 of one or more DWI programs, services or activities in the
15 county and the request has been approved by the council. The
16 request shall also comply with local DWI grant program rules
17 and guidelines.

18 D. No later than April 1 of each year, each board
19 of county commissioners seeking approval for the DWI program
20 distribution pursuant to this section shall make application to
21 the division for review and approval by the council for one or
22 more local DWI programs, services or activities in the county.
23 Application shall be made on a form and in a manner determined
24 by the division. The council shall approve the programs
25 eligible for a distribution no later than July 1 of each year.

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1 The division shall make the annual distribution to each county
2 in quarterly installments on or before each September 10,
3 December 10, March 10 and June 10, beginning in September 2004.
4 The amount available for distribution quarterly to each county
5 shall be the amount determined by applying the formula in
6 Subsection B of this section to the amount of liquor excise tax
7 revenues in the local DWI grant fund at the end of the month
8 prior to the quarterly installment due date and after one
9 million three hundred twenty-five thousand dollars (\$1,325,000)
10 has been set aside for the DWI grant program and after the
11 appropriations and distributions pursuant to Subsections D and
12 [E] F of Section 11-6A-3 NMSA 1978.

13 E. If a county does not have a council-approved DWI
14 program, service or activity or does not need the full amount
15 of the available distribution, the unused money shall revert to
16 the local DWI grant fund and may be used by the council for the
17 local DWI grant program.

18 F. As used in this section:

19 (1) "alcohol-related injury crashes" means the
20 average annual number of alcohol-related injury crashes during
21 the period from January 1, 2000 through December 31, 2002, as
22 determined by the traffic safety bureau of the [~~state highway~~
23 ~~and transportation~~] department of transportation; and

24 (2) "retail trade gross receipts" means the
25 total reported gross receipts attributable to taxpayers

1 reporting under the retail trade industry sector of the state
2 for the most recent fiscal year as determined by the taxation
3 and revenue department. "

4 Section 4. EFFECTIVE DATE. --The effective date of the
5 provisions of this act is July 1, 2004.

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